

United States Bankruptcy Court
Middle District of Tennessee

In re:

CAPSTONE PEDIATRICS, PLLC,

Debtor(s).

Bankruptcy Case No. 3:19-bk-01971

Chapter 11
Judge Mashburn

CDS BUSINESS SERVICES, INC. d/b/a
NEWTEK BUSINESS CREDIT,

Plaintiff(s)

v.

Adversary
Proceeding No. 3:20-ap-90140

AMERICA CARES TRUST d/b/a
CARENATION,

Defendant(s)

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE
IN AN ADVERSARY PROCEEDING**

To the Defendant(s): YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
701 BROADWAY, ROOM 170
NASHVILLE, TN 37203

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

NAME AND ADDRESS OF PLAINTIFF'S ATTORNEY:

DANIEL H. PURYEAR
104 Woodmont Boulevard
The Woodmont Centre, Suite 201
Nashville, TN 37205

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF TENNESSEE 701 BROADWAY, SECOND FLOOR NASHVILLE, TN 37203 TO BE CONDUCTED TELEPHONICALLY Call-In Number: 888-363-4749 Access Code: 8979228#	DATE & TIME
	11/4/2020 1:45 p.m.

If you fail to respond to this summons, your failure will be deemed to be your consent to entry of a judgment by the bankruptcy court and judgment by default may be taken against you for the relief demanded in the complaint.

To the Plaintiff(s): You must serve this Summons and Notice of Pretrial Conference together with the complaint no later than 7 days after the issuance date shown below. If more than 7 days pass before service is completed, a new summons must be requested and served.

9/14/2020
Issuance Date

/s/ Teresa C. Azan
Clerk of the Bankruptcy Court

By: /s/ Jeremy Keimer
Courtroom Deputy Clerk



CERTIFICATE OF SERVICE

I, _____ certify that service of this summons and a copy of the complaint was made _____ by:

☐ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:

☐ Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:

☐ Residence Service: By leaving the process with the following adult at:

☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

☐ Publication: The defendant was served as follows: [Describe briefly]

☐ State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

☐ If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____

Signature _____

Print Name:

Business Address:

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PRELIMINARY PRETRIAL ORDER

The party responsible for serving the summons shall, along with the summons, serve a copy of this Preliminary Pretrial Order on all parties.

COUNSEL FOR ALL PARTIES ARE ORDERED to confer with all opposing counsel and pro se parties at least seven (7) days before the pretrial conference, and together prepare in writing and file **no less than five (5) days prior to the pretrial conference**, a **JOINT DOCUMENT**, captioned **"PRETRIAL STATEMENT"** containing the following:

FOR PLAINTIFF

1. A brief statement of each claim or cause of action.
2. A brief summary of plaintiff's contentions of fact in support of each claim or cause of action and the evidence to be relied upon to establish those facts.

FOR DEFENDANT

1. A brief statement of each defense.

2. A brief summary of defendant's contentions of fact in support of each defense and the evidence to be relied upon to establish those facts.

FOR THE INTERVENOR(S), THIRD-PARTY PLAINTIFF(S), (DEFENDANTS), ETC.

1. A brief statement of each claim, cause of action or defense.
2. A brief summary of facts in support of each claim, cause of action or defense, and the evidence to be relied upon to establish those facts.

FOR ALL PARTIES

1. A statement of all admitted or uncontested facts.
2. Each party's brief statement of contested facts.
3. Each party's brief statement of contested legal issues.

All of the above is to be incorporated in one document which is to be signed by all attorneys and pro se parties prior to the filing. **Failure to comply with this order may result in dismissal of the action, default, the assessment of costs and attorneys' fees or other appropriate remedies.**

ORDERED this 14th day of September, 2020.

/s/ RANDAL S. MASHBURN
U.S. BANKRUPTCY JUDGE